

Decision **DRAFT DECISION OF ALJ PATRICK** (Mailed 7/3/2003)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U 902 E) in the Second Annual Transition Cost Proceeding Regarding the Transition Cost Balancing Account (TCBA).

Application 99-09-011
(Filed September 1, 1999)

**ORDER DENYING PETITION TO
MODIFY DECISION 00-10-048**

On December 7, 2000, Enron Energy Services, Inc. (Enron) filed a petition to modify Decision (D.) 00-10-048 in San Diego Gas & Electric Company's (SDG&E) Second Annual Transition Cost Proceeding (ATCP). In its petition, Enron seeks to modify the competition transition charge (CTC) revenue requirement that the Commission adopted for SDG&E for 2001. Enron contended that the adopted revenue requirement of \$115 million may have been reasonable when made; however, events in the electric wholesale market required that this revenue requirement figure be modified.

Discussion

After Enron filed its petition in this proceeding, the Commission addressed SDG&E's competition transition charge revenue requirement in a subsequent proceeding, Application (A.) 01-09-003. In that proceeding the Commission adopted a revenue requirement of \$115 million for SDG&E's competition transition charge revenue requirement to be continued through 2003 (D.03-02-028). Therefore, Enron's petition in the earlier proceeding, A.99-09-011, is moot and the petition should be denied.

Comments on Draft Decision

The draft decision of the Administrative Law Judge was mailed to the parties in accordance with Pub. Util. Code § 311(d) and Rule 77.1 of the Rules of Practice and Procedure. Comments were received on _____.

Assignment of Proceeding

Geoffrey Brown is the Assigned Commissioner and Bertram D. Patrick is the assigned Administrative Law Judge in this proceeding.

Finding of Fact

The Commission addressed SDG&E's competition transition charge revenue requirement in a subsequent proceeding A.01-09-003, after Enron filed its petition. Enron did not participate in that proceeding.

Conclusion of Law

Enron's petition to modify SDG&E's competition transition charge revenue requirement in the earlier proceeding, A.99-09-011, is moot and the petition should be denied.

O R D E R**IT IS ORDERED** that:

1. Enron's petition to modify San Diego Gas & Electric Company's competition transition charge revenue requirement adopted in Decision 00-10-048, is denied.

2. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.